

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL	)	
COUNCIL OF CARPENTERS PENSION FUND et al,	)	
	)	
	)	
Plaintiffs,	)	Case No. 08 C 359
	)	
v.	)	Mag. Judge Valdez
	)	
LONGSHORE / DALY INC.,	)	
	)	
Defendant.	)	

**PLAINTIFFS' INITIAL STATUS REPORT**

**1) Attorneys of Record**

Daniel P. McAnally, for Plaintiffs

Thomas S. More, for Defendant.

**2) Basis for Federal Jurisdiction**

Federal subject matter jurisdiction is premised on Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185).

**3) Nature of Claims / Counterclaim**

The Defendant submitted monthly contribution reports to the Plaintiff Trust Funds acknowledging that the Employer owes \$195,283.03 in delinquent contributions for the period October 2007 through December 2007 . However, the Defendant did not pay this amount. Since the filing of the complaint, approximately \$94,000 has been received from the Defendant. The Plaintiffs are seeking the balance on the contributions, liquidated damages, interest and attorney fees as mandated by ERISA. The Defendant filed an Answer and Affirmative Defenses. In essence, the Defendant claims that it does not owe the contributions because a union Business Manager pulled the workers off the job thereby obstructing the progress of the work which lead to non-payment to Longshore / Daly.

**4) Principal Legal Issues**

Whether the Defendant is bound to a collective bargaining agreement that requires it to submit ERISA contributions on behalf of its bargaining unit employees.

Whether actions taken by a union business agent relieves the obligations of the Defendant to the Trust Funds.

**5) Principal Factual Issues**

The factual issues involve determining the amount of ERISA contributions owed and what the union business agent did on the jobsite which Defendant claims interfered with its ability to get paid.

**6) Jury Status**

There is no jury demand.

**7) Description of Discovery Requested**

No discovery has been undertaken. Interrogatories, Request to Admit Facts, and the Rule 30(b)(6) deposition as to the allegations contained in the Complaint will be needed if the parties do not settle the case.

**8) Trial Date / Length**

If necessary, the trial will last for one day.

**9) Settlement**

The parties are currently discussing settlement.

Respectfully submitted,

By: s/ DANIEL P. McANALLY  
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